II. REMARKS

Claims 1-17 are pending in the instant application, and all of the pending claims are rejected. Applicants herein make a minor change to claim 1 by adding the term "odour active" to describe the taint compounds in line 3. No issue of new matter arises by way of this change as the same recitation occurs in line 6 of claim 1 as originally filed.

Regarding the Search Report

Applicants respectfully direct the Examiner's attention to M.P.E.P. § 609 at page 600-99, column 1, penultimate paragraph wherein it is stated that the Examiner shall consider the references cited in an International Search Report in a PCT application. Moreover, it is stated that the Examiner shall issue a first Office Action indicating that these references have been considered. Respectfully, Applicants are under no obligation to place these references in a separate Information Disclosure Statement.

Rejection under the judicially created doctrine of obviousness type double patenting

The Examiner provisionally rejects claims 1-17 under the judicially created doctrine of obviousness type double patenting. Applicants submit that they will consider filing a Terminal Disclaimer to obviate the provisional rejection upon notification of allowable subject matter. The rejection being provisional dictates that no immediate action is necessary.

Rejection Under 35 USC Section 102(b)

The Examiner rejects claims 1-17 as unpatentable over Feder, US Pat. No. 5,140,061. Applicants hereby traverse the rejections and request reconsideration of the claims for the following reasons. The reactive polymers of the present invention comprise two separate functional groups, a first group that reacts with at least one flavour-active or odour-active taint compound, and a second functional group that reacts with a substrate. Two separate functional groups are essential to the purpose of the invention, namely the prevention of taint of stored alcoholic beverages such as wines by retaining odor or flavor active compounds so as to prevent their passage from the outside environment into the stored beverage, e.g. wine. In contrast, although Feder pertains to the subject matter of coating cork stoppers (col. 8, lines 45 et seq.), Feder does not disclose such a flavor or odor retentive compound comprised of a polymer having two distinct functional groups. Rather, Feder teaches elastomeric compounds, produced by crosslinking aqueous silicone dispersions that have been chosen specifically to prevent liquid from running between the neck of the bottle and the stopper (col. 8, lines 59-62). Such a crosslinked silicone product corresponds to the second functional group component of Applicants' invention, however, ***Feder does not teach or suggest a first functional group*** as in the instant invention for binding or otherwise retaining the flavor-active or odor active compounds.

The Examiner suggests that the elastomer composition of Feder comprises "100 parts by weight of an oil-in water emulsion of an alpha-omega-(dihydroxy)polydiorganosiloxane and stabilized with non-ionic surfactants such as polyoxyethylenated alkylphenol and an aminosilane and/or an amidosilane." Applicants respectfully submit that this is technically inaccurate. The silicone dispersion of Feder comprises the α-ω-(dihydroxy)polydiorganosiloxane (component

A) crosslinked into an elastomeric state upon removal of water under ambient conditions with a silane comprising a hydrolyzable amino or amido radical (component B) (*See*, Feder, Column 3 and claim 1). The terminal hydroxy groups of the α-ω-(dihydroxy)polydiorganosiloxane react with the hydrolyzable amino or amido groups of the silane to form the crosslinked elastomeric product. There is ***no teaching or suggestion*** that the product itself ***of*** this crosslinking reaction comprises ***reactive groups that are free to react with flavor-active or odor-active taint compounds***. Hence, the compositions of Feder lack one of the basic components of the compositions of the present invention, namely a "first functional groups which react with at least one flavour-active or odour-active taint compound." Accordingly, there is no teaching or suggestion that the crosslinked silicones of Feder comprise any component capable of preventing cork taint, a primary objective of Applicants' invention. Hence, the presently claimed invention is patentable under both 35 USC 102 and 103 over Feder.

Applicants believe that that the foregoing remarks are sufficient to overcome the rejections. Applicants therefore request withdrawal of the rejections and reconsideration of the claims.

Fees

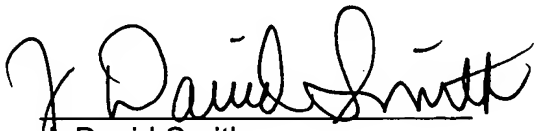
No fees are believed to be necessitated by the instant Response. However, should this understanding be erroneous, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or to credit any overpayments.

III. CONCLUSION

Applicants respectfully request entry of the foregoing Amendments and Remarks into the file history of the instant Application. The Claims as amended are believed to be in condition for allowance, and withdrawal of all of the outstanding rejections is therefore believed in order. Early and favorable action on the claims is earnestly solicited. Should a discussion be helpful in resolving any outstanding issues, the Examiner is invited to telephone the undersigned at (201) 487-5800.

Respectfully submitted,

KLAUBER & JACKSON



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